



JAN 26 2006

Serial No. 10/763,995

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*Sent Via Fax To: 571-273-8300 & 571-273-2315*

In re application of JOHN MOON ET AL : Docket No.: IP-0025-US
: Former Docket No.: CV-0054
: Group No.: 2872

Serial No.: 10/763,995 : Confirmation: 8238

Filed: January 22, 2004 : Examiner: Arnel Lavarias

Title: HYBRID RANDOM BEAD/CHIP BASED MICROARRAY

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Restriction Requirement mailed December 27, 2005, the following remarks are provided. Applicant hereby elects, with traverse, Invention II (Claims 26-34, 36-44), conditioned upon the Examiner concluding that the linking claims 20 and 35 are not allowable, as set forth below.


The Examiner stated in the Action: "The restriction requirement between the linked inventions is subject to non-allowance of the linking claim(s), Claims 20 and 35" (emphasis added). Also, the examiner stated that "upon allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application." Further, the Examiner stated that "Claim 21 will be examined along with the elected invention only if Invention I or II is elected" (emphasis added).

Accordingly, independent Claims 20 and 35 and dependent Claim 21 will be examined. Furthermore, upon allowance of the linking claims, the restriction requirement will be withdrawn and the non-elected Claims 22-25 will be considered by the examiner.

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If the Examiner has any questions regarding this election, Applicant's counsel can be reached at 203-678-2403 between the hours of 8:00 a.m. and 6:00 p.m. or by E-mail at gdepardo@illumina.com.

Respectfully submitted,


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January 26, 2006
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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. 571-273-8300, on 01/26/06 (Date).
Signature: James Voter Typed/printed name: JAMES VOTER